

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-4054

United States of America,

Appellee,

v.

Jason L. Shadwell,

Appellant.

*
*
*
*
*
*
*
*
*

Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: June 10, 2003

Filed: July 14, 2003

Before MELLOY, HANSEN, and SMITH, Circuit Judges.

PER CURIAM.

Jason L. Shadwell pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and the district court¹ sentenced him to fifty-seven months in prison and three years of supervised release. As relevant, the district court raised his base offense level under U.S. Sentencing Guidelines Manual § 2K2.1(a)(4)(A), concluding that Shadwell's prior state felony conviction for

¹ The Honorable Ortrie D. Smith, United States District Judge for the Western District of Missouri.

burglarizing a barn was a crime of violence. Shadwell objected below to having his prior conviction treated as a crime of violence, was overruled by the district court at sentencing, and renews his challenge on appeal.

As Shadwell recognizes in his brief, his argument is foreclosed by this circuit's precedent holding that commercial burglary is a crime of violence. See United States v. Blahowski, 324 F.3d 592, 594-98 (8th Cir. 2003) (reaffirming holding of United States v. Hascall, 76 F.3d 902, 904-06 (8th Cir.), cert. denied, 519 U.S. 948 (1996)). Only the en banc court or the Supreme Court can overrule this precedent, and Shadwell's petition for initial hearing en banc was denied on March 6, 2003.

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.